

AF/3622  
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**TRANSMITTAL LETTER**  
**(General - Patent Pending)**

Docket No.  
00-006

In Re Application of **JAY S. WALKER et al.**

Application No.	Filing Date	Examiner	Customer No.	Group Art Unit	Confirmation No.
09/540,214	March 21, 2000	DURAN, Arthur D.	22927	3622	9740

Title:  
**METHOD AND APPARATUS FOR CONDUCTING A TRANSACTION BASED ON BRAND INDIFFERENCE**

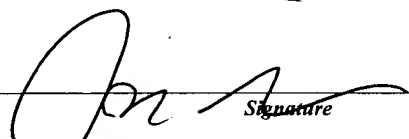
COMMISSIONER FOR PATENTS:

Transmitted herewith is:  
**Interview Summary, 2 pp.; and**  
**Return Receipt Postcard.**

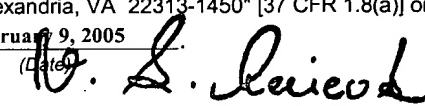
in the above identified application.

- ☒ No additional fee is required.
- ☐ A check in the amount of \_\_\_\_\_ is attached.
- ☒ The Director is hereby authorized to charge and credit Deposit Account No. **50-0271** as described below.
  - ☐ Charge the amount of \_\_\_\_\_
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  - ☒ Charge any additional fee required.
- ☐ Payment by credit card. Form PTO-2038 is attached.

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

  
\_\_\_\_\_  
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Dated: **February 9, 2005**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on <b>February 9, 2005</b> (Date)	
	
Signature of Person Mailing Correspondence	
Veronika S. Leliever	
Typed or Printed Name of Person Mailing Correspondence	

cc:



## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Walker et al.

Application No.: 09/540,214

Filed: March 31, 2000

For: METHOD AND APPARATUS FOR  
CONDUCTING A  
TRANSACTIONBASED ON  
BRAND INDIFFERENCE

Customer No. 22927

) Group Art Unit: 3622

) Examiner: Duran, Arthur D.  
(703) 305-5246  
(703) 746-9169 /fax) **INTERVIEW SUMMARY**

) Attorney Docket No. 00-006

) Walker Digital, LLC  
) 203-461-7041/voice  
) 203-461-7300/faxCommissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450**INTERVIEW SUMMARY**

Dear Sir:

Applicants are grateful to the Examiner for extending the courtesy of a telephone interview on February 1, 2005, with Applicants' representatives.

Applicants' attorneys, Michael Downs and Jason Skinder, requested clarification of which section(s) of Von Kohorn (5,227,874) the Examiner is relying on in the present Office Action (mailed November 17, 2004) as teaching or suggesting the limitation:

- *receiving from a customer, an indication of a willingness to purchase at least one but not all of a plurality of products*

recited in independent Claim 1.

The Examiner stated that the reference teaches the above limitation at Column 99, lines 49-52. The indicated section reads:

The respondent employs the keyboard to enter into memory of the response unit the identifying numbers of those items for which there is an interest in a future purchase at a sale or discounted price.

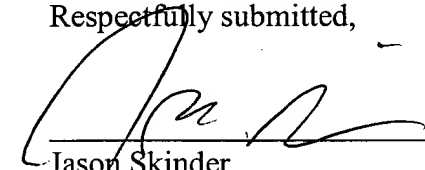
Applicants' attorneys asked the Examiner to explain how the indicated portion of Von Kohorn teaches or suggests the above limitation.

The Examiner warned Applicants' attorneys that the latter portion of the indicated section cannot be ignored. Specifically, the Examiner stated that "an interest in a future purchase at a sale or discounted price" suggests that a customer using the Von Kohorn system is indicating an interest in purchasing identified items **only if** the items are actually on sale or discounted in the future. The Examiner also stated that even if the Von Kohorn response unit flags identified items that are on sale or available at a discount for a future purchase, the customer identifying the items is willing to purchase a flagged item in the future **only if** the item is sufficiently discounted.

Although no formal agreement with respect to patentability was reached, Applicants are grateful for the opportunity to discuss this application with the Examiner. If the Examiner has any questions regarding this interview summary or the present application, the Examiner is cordially requested to contact Jason Skinder at telephone number 203-461-7017 or via electronic mail at [jskinder@walkerdigital.com](mailto:jskinder@walkerdigital.com).

February 9, 2005  
Date

Respectfully submitted,



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